

**NATIONAL ASSOCIATION OF TELECOMMUNICATIONS  
OFFICERS AND ADVISORS**

**NATIONAL ASSOCIATION OF COUNTIES**

**NATIONAL LEAGUE OF CITIES**

**NEW AMERICA FOUNDATION'S OPEN TECHNOLOGY INITIATIVE**

September 16, 2010

Chairman Julius Genachowski  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: E-Rate Funding  
GN Docket No. 09-51; CC Docket No. 02-6

Dear Chairman Genachowski,

The National Association of Telecommunications Officers and Advisors, the National Association of Counties, the National League of Cities, and the New America Foundation's Open Technology Initiative join together in support of the Federal Communications Commission's proposal to allow E-Rate funding to be used to lease dark fiber from any source, including municipalities. We believe that this proposal would be in the public interest and would aid schools and libraries in obtaining the most economically efficient access to broadband that would presumably be prioritized under the revised E-Rate program.

Some have argued that local municipalities may lack the experience necessary to provide the best service option or that "certain non-carriers" would receive a cost advantage over traditional telecommunications carriers. However, the efficiency of allowing E-Rate funds to be used for the leasing of dark fiber from any source – and specifically, municipalities – was highlighted in comments filed with the Commission by the City and County of San Francisco.<sup>1</sup>

In their comments, San Francisco highlighted the concerns of the San Francisco Public Library System which has to rely on commercial carriers to receive service if they want to take advantage of the E-Rate discount. Although this service is adequate for today's needs, it is doubtful it will be adequate for future needs. And even if higher bandwidth is available from the carrier, the library system has determined that the price (even with the E-Rate discount) is prohibitive. On the other hand, San Francisco operates a middle mile broadband network that could provide the needed bandwidth for the library system through dark fiber leasing. However, without the E-Rate discount, the cost to San Francisco is not conducive to such a plan.

---

<sup>1</sup> *Comments of the City and County of San Francisco*, CC Docket 02-6, GN Docket 09-51, FCC 10-83, filed Jul. 9, 2010.

September 16, 2010  
Page 2

As this case points out, the greatest efficiency may be from leasing dark fiber that is owned by a non-telecommunications entity, such as a local government anchor institution network. But every case will have specific facts and circumstances. Whether the source is dark fiber from a telecommunications carrier, lit fiber from a local anchor institution networks, or some other option, the Commission should increase the options available to schools and libraries to the greatest extent possible. The point of the E-Rate program is to assist schools and libraries obtain the services they need to help the residents they serve – we should be seeking to give them as many options as we can.

In conclusion, the Commission should move forward with its proposal to make the leasing of dark fiber from *any* source eligible for E-Rate funding. In addition, the Commission should go further and make the leasing of lit fiber from local anchor institution networks eligible for E-Rate funding, as well. The best way to maximize the benefits of the E-Rate program and provide the most efficient use of funds is to provide schools and libraries with as many options as possible so that they can choose the broadband source that will best suit their needs and budgets.

Sincerely,

National Association of Telecommunications Officers and Advisors: Steve Traylor, 703-519-8035  
National Association of Counties: Jeff Arnold, 202-393-6226  
National League of Cities: Carolyn Coleman or Leslie Wollack, 202-626-3000  
New America Foundation's Open Technology Initiative, Sascha Meinrath, 202-986-2700